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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,699	03/15/2001	William James Anderl	ROC920010018US1	3563
7590	10/14/2005		EXAMINER	
Leslie J. Payne IBM Corporation, Dept. 917 3605 Highway 52 North Rochester, MN 55901-7829			WONG, TINA MEI SENG	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/809,699	ANDERL ET AL.
	Examiner	Art Unit
	Tina M. Wong	2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26,29 and 30 is/are pending in the application.
 - 4a) Of the above claim(s) 9-26,29 and 30 is/are withdrawn from consideration.
- 5) Claim(s) 4,7 and 8 is/are allowed.
- 6) Claim(s) 1-3,5 and 6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-30 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

This Office action is responsive to Applicant's response submitted on 25 August 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,556,811 to Sayer et al.

In regards to claims 1 and 5, Sayer et al discloses a method of cooling an optical transceiver that is mountable to a wall where air is ventilated through two openings (61, 62) over the major surface portion (5). But Sayer et al fails to specifically disclose mounting one end of the transceiver with a wall opening so that a vent is formed within the confines of the wall opening to allow air to pass. However, Sayer et al does disclose a cover (51) to be placed in a similar fashion as the wall opening. The cover further allowed for a clearance distance to allow air to enter and cool the base of the transceiver. Since both the cover and the wall opening perform the same function, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have placed either a cover or a wall opening in order to form a vent to allow air to pass.

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Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,556,811 to Sayer et al as applied to claim 1 above, and in further view of U.S. Patent 6,856,769 to Steffensen et al.

In regards to claims 2 and 6, Sayer et al discloses that the transceiver does not interfere with the external radiation. But Sayer et al fails to disclose shielding the transceiver, vent and wall opening from electromagnetic interference. However, Steffensen et al discloses a similar transceiver module that allows for ambient air-cooling surrounded by a shell that electromagnetically shields the transceiver. Since Sayer et al is silent on the details of the transceiver and Steffensen et al discloses a similar module which further details the transceiver, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a transceiver that is shielded from electromagnetic interference in order to reduce the amount of interference to internal electrical component.

In regards to claim 3, Sayer et al discloses the air vent to partially surround a connector port (71, 72, 73, 74, 75).

Allowable Subject Matter

Claims 4 and 7 are allowed. Previously objected claims 4 and 7 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims and is now in conditions for allowance.

Claim 8 has been allowed for the reasons set forth in the previous Office action, mailed 27 May 2005, paper number 052005.

Response to Arguments

Applicant's arguments filed 25 August 2005 have been fully considered but they are not persuasive. Applicant argues the cover and the wall opening does not perform the same function. However, the Examiner disagrees. The transceiver is mounted to and within the walls the internal walls and the cover. Therefore, between the internal walls and the cover is a wall opening. Furthermore, the cover allows air to enter to cool the transceiver.

Applicant additionally argues that Sayer et al is not concerned about blocking emissions from a wall opening. However, this argument does not reflect the claim language. In independent claims 1 and 5, there is no mention of blocking emissions.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

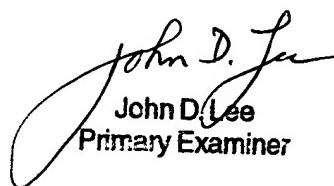
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Wong whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tina M. Wong


John D. Lee
Primary Examiner